IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.57525 of 2007
PHAKIRA SAH
Versus
THE STATE OF BIHAR

04/ **05.5.2008** Heard learned counsel for the petitioner and learned counsel for the State.

The case is under Sections 328,302/34 of the Indian Penal Code.

The allegation against the petitioner is that he administered poison to the deceased, son of the informant, through a Toffee. Viscera was preserved and the same was sent for test. The report of the Forensic Science laboratory is annexed as Anneuxre-4 to the supplementary affidavit filed on behalf of the petitioner, from which it appears that no poisonous substance was found in the viscera forwarded to it for test. Petitioner is in custody since 04.11.2007. It is said that there was previous enmity between the parties and, therefore, petitioner was falsely implicated in the case.

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In view of the report of the Forensic Science Laboratory, this application is allowed. Let petitioner, namely Phakira

Sah be released on bail on furnishing bail bond of Rs.10,000/-(rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Munger in connection with Muffasil P.S.Case No.132/07.

(J. N. Singh, J.)

A.H.

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